

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEE JAMES CLINE,

Defendant.

CASE NO. CR19-0023-JCC

ORDER

This matter comes before the Court *sua sponte*. On January 31, 2019, Mr. Cline was charged by indictment with one count of domestic assault by a habitual offender in violation of 18 U.S.C. 117(a). (Dkt. No. 13.) After a continuance, trial was scheduled for July 20, 2020. (*See* Dkt. No. 54.) As a result of the COVID-19 pandemic's impact in this district, the Government moved to vacate the trial date and set a status conference to determine an appropriate trial date. (Dkt. No. 57.) The Court granted the motion, scheduled a status conference for September 15, 2020, and held that the time between the date of the Court's order and the date of the status conference was an excludable period under the Speedy Trial Act. (Dkt. No. 58.) As a result of the pandemic's continued impact in this district, the Court continued the status conference until October 20, 2020. (Dkt. 60.)

Over the past six months, the COVID-19 pandemic has significantly impacted the Court's operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of

1 which the Court incorporates by reference.) Specifically, the pandemic has rendered the Court
 2 unable to obtain an adequate spectrum of jurors to represent a fair cross section of the
 3 community, and public health guidance has impacted the ability of jurors, witnesses, counsel,
 4 and Court staff to be present in the courtroom. (*See generally id.*) Recently, conditions have
 5 improved such that the Court can resume a limited number of in-person criminal jury trials at the
 6 courthouse. Chief Judge Martinez has concluded that:

7 [F]or the foreseeable future, it will be possible to proceed with only one in-person
 8 criminal jury trial at a time at each of the district's two courthouses. The order in which
 9 pending criminal cases will proceed to trial will be determined by the Court in
 10 consultation with the Federal Public Defender's Office and the United States Attorney's
 11 Office.

12 W.D. Wash. General Order 15-20 (Oct. 2, 2020) at 2. Pursuant to these provisions of General
 13 Order 15-20, the Court SETS this matter for trial on April 26, 2021. Further, the Court FINDS
 14 the ends of justice served by continuing trial to this date outweigh Defendant's and the public's
 15 best interests in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 16 1. The COVID-19 pandemic has rendered the Court unable to obtain an adequate
 17 spectrum of jurors to represent a fair cross section of the community, which would
 18 likely make proceeding with an earlier trial impossible or, at a minimum, would result
 19 in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 20 2. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
 21 Court staff to be present in the courtroom. Therefore, proceeding with an earlier trial
 22 would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

23 Accordingly, the Court ORDERS:

- 24 1. Trial in this matter is scheduled for April 26, 2021.
- 25 2. The pretrial motions deadline is March 1, 2021.
- 26 3. All pretrial filings—including trial briefs, motions in limine, proposed voir dire,
 proposed jury instructions, and proposed verdict forms—must be submitted no later

1 than Monday, March 29, 2021.

- 2 4. The period from July 1, 2020, when the Court first granted a continuance based on
3 the impact of COVID-19, until April 26, 2021, is an excludable time period under 18
4 U.S.C. section 3161(h)(7)(A).
5 5. The status conference scheduled for October 20, 2020 is VACATED.

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7 DATED this 14th day of October 2020.

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11 John C. Coughenour
12 UNITED STATES DISTRICT JUDGE
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